

# TAXI LICENSING CONDITIONS



Date:	29 July 2021
Agenda Item:	
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Key Decision?	NO
Local Ward Members	All Wards

## REGULATORY & LICENSING COMMITTEE

### 1. Executive Summary

- 1.1 This report asks the Committee to consider the need to consult on the installation of CCTV in vehicles. It also asks for the consideration of a temporary one year vehicle extension to allow for the fact that vehicles have generally had less wear and tear during the Coronavirus and the financial burden on drivers having to replace vehicles. It also suggests consideration of extending the age limits of electric vehicles as an incentive for their purchase and a delay in some circumstances for the requirement for less polluting vehicles.

### 2. Recommendations

- 2.1 That the committee approves:
- The carrying out of a consultation exercise on the installation of CCTV in vehicles.
  - A temporary relaxation of the vehicle age rules from five to six years on first licensing and seven to eight years on renewal up to June 2022.
  - The carrying out of a consultation exercise on the extension of the vehicle age rules for electric vehicles from five to six years on first licensing and seven to eight years on renewal.
  - The carrying out of an investigation into the implications of an extension to the requirement to upgrade vehicles to less polluting ones in line with the short term exemptions created by Birmingham City Council.

### 3. Background

- 3.1 The Taxi Licensing Policy previously consulted upon included a condition that by 1 April 2022 all licensed vehicles must be fitted with CCTV (visual and audio). However whilst the mandating of CCTV in vehicles can undoubtedly provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers, the imposition of a blanket requirement to attach CCTV as a condition to a licence can give rise to concerns about the proportionality of such an approach.
- 3.2 Government guidance suggests a strong justification needs to be in place to support this condition. It is therefore recommended that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults and taking into account potential privacy issues.

- 3.3 The LGA guidance – Developing an approach to mandatory CCTV in Taxis and PHVs includes specific guidance on consultation and engagement and any consultation would seek to learn from those authorities who have already undertaken such consultation.
- 3.4 The Taxi Licensing conditions for vehicles require that all new Hackney Carriage and Private Hire Vehicles must be less than five years old from the date of first registration on initial application. No vehicle licence will be renewed on any vehicle that is seven years of age or more or ten years old for purpose built vehicles. Applications for vehicles outside of these age limits are considered subject to additional checks.
- 3.5 A request has been made from the Taxi trade that the Committee reconsider the vehicle age policy. The trade have made the case about improvements in the general longevity of vehicles which they believe supports this reconsideration and the fact that as a result of Covid- 19, the wear and tear on licensed vehicles has significantly reduced due to reductions in demand for taxis. At the same time many taxis drivers have not been eligible for any financial support from government grants so finding the money to replace a vehicle to the standard is required is an increased challenge.
- 3.6 On this basis Members are asked if they wish to consider a temporary 12 month extension of the age limit from five years on first application to six and on renewal from seven years to eight up to the end of June 2022. Outside of these limits vehicles may be licensed if in exceptional condition. Vehicle compliance checks will also identify vehicles that don't meet other condition requirements.
- 3.7 In considering the age limit of vehicles, members may also want to consider whether they wish to increase the age limit to six years on first application and eight years on renewal for electric vehicle. This would provide an incentive for the purchase of these vehicles. Consideration may also be given to the position re hybrid vehicles.
- 3.8 The current Taxi Policy mandates that From 1 April 2022 all new Hackney Carriages must be fitted with at least a Euro 6 compliant engine for vehicles fitted with diesel engines and Euro 4 compliant engines for vehicles fitted with petrol engines. Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time of renewal. Any charges imposed by a Clean Air Zone, or similar will be met by the vehicle proprietor/driver and not passed to the passenger.
- 3.9 This condition was partly imposed because of the impending introduction of a Clean Air Zone by Birmingham City Council, which would apply to any of our vehicles taking passengers from our District into the zone. Following public consultation Birmingham City Council has approved some short term exemptions. The Taxi trade has requested that our Policy is amended to take account of those exemptions.

Alternative Options	Members can decide not to carry out a consultation or extend the vehicle age limits. Members can decide to consult on other options to incentivise the use of electric or hybrid vehicles.
Consultation	This report recommends consultation is carried out on the installation of CCTV in vehicles in accordance with Government and LGA guidance.  It also proposed to carry out a consultation exercise on the extension of the vehicle age rules for electric vehicles from five to six years on first licensing and seven to eight years on renewal.
Financial Implications	There are no financial implications from the proposed consultations and extensions.

Approved by Section 151 Officer	Yes/ <del>no</del> *
Legal Implications	The Taxi Licensing Policy sets out the overall decision making framework for the licensing of Drivers, vehicles and operators. Taxi licensing is also subject to a range of specific legislation as set out in the licensing policy, including the Local Government (Miscellaneous Provisions Act 19967, the Town Police Clauses Act 1847 and 1889 and Transport Acts 1985 and 2000. If Members decide to consult on any changes to the age limit of vehicles legal opinion will be sought on the implications of doing this.
Approved by Monitoring Officer	Yes/ <del>no</del> *

Contribution to the Delivery of the Strategic Plan	The licensing of drivers and vehicles supports enabling people, shaping place and developing prosperity.
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Equality, Diversity and Human Rights Implications	An EIA would need to be undertaken to take forward the outcome of the consultation. Any vehicle age extension would not impact on the accessibility of vehicles.
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Crime & Safety Issues	The consultation would consider the impact of CCTV on crime and safety issues.
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Environmental Impact	Older vehicles can have a negative environmental impact but allowing older hybrid and electric vehicles to be licensed would provide an incentive for use of these vehicles.
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GDPR / Privacy Impact Assessment	Not required for the consideration of vehicle age but would need to be considered, depending on the outcome of the CCTV consultation.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That CCTV is mandated only as part of the broader taxi consultation and could therefore be open to challenge.	The proposed consultation and subsequent consideration of the findings would address this risk.	Likelihood – yellow Impact – yellow Severity of risk - green.
B	That any vehicle age increase results in a poorer standard of vehicle.	Compliance checks and vehicle tests, however Members would need to accept a lowering of standards if they agree to these measures long term for electric and hybrid vehicles.	Likelihood – yellow Impact – yellow Severity of risk - yellow
C	Complaints from vehicle owners that have recently purchased vehicles due to age limit.	Further consultation with taxi drivers.	Likelihood – yellow Impact – yellow Severity of risk - yellow
D	Any temporary relaxation of age limits may raise expectations that this will become a permanent change.	Communication with drivers.	Likelihood – yellow Impact – yellow Severity of risk – green

Background documents <a href="http://lichfielddc.gov.uk/taxi-policy">taxi-policy (lichfielddc.gov.uk)</a>
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## Relevant web links

[Taxi policy \(lichfielddc.gov.uk\)](http://lichfielddc.gov.uk)